

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Peter Bodine

Application No.: 10/666,851

Confirmation No.: 6790

Filed: September 19, 2003

Art Unit: 1646

For: PHARMACEUTICAL COMPOSITIONS AND
METHODS OF USING SECRETED FRIZZLED
RELATED PROTEIN

Examiner: X. Xie

REQUEST FOR RECONSIDERATION

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This request is being made within two months of the Decision mailed September 12, 2007 refusing the Petition Under 37 CFR §1.78(a)(3) for Unintentionally Delayed Claim Under 35 USC 120 For The Benefit of Prior-Filed Applications. Applicants respectfully request Reconsideration of the Decision.

Applicants requested acceptance of an unintentionally delayed claim for priority, providing a preliminary amendment and Application Data Sheet adding the erroneously omitted priority claims, the appropriate \$1,370.00 fee, and a statement that the entire delay was unintentional. The Office refused correction on the grounds that the preliminary amendment incorrectly incorporated by reference PCT International Application No. PCT/US2000/025035 and U.S. Patent Application No. 09/394,832.

In response, Applicants submitted a new Preliminary Amendment correctly introducing the previously omitted priority claims. The incorporations by reference of PCT International Application No. PCT/US2000/025035 and U.S. Patent Application No. 09/394,832 were removed. The incorporations by reference of U.S. Patent Application Serial No. 10/169,545 and U.S. Provisional Patent Application Serial No. 60/412,379 were retained, as these applications were incorporated by reference at the time the subject application was filed. The Office refused correction again on the grounds that the preliminary amendment failed to identify a proper relationship between PCT International Application No. PCT/US2000/025035 and U.S. Patent Application No. 09/394,832.

In response, Applicants now submit a new Preliminary Amendment correctly identifying PCT International Application No. PCT/US2000/025035 as a continuation of U.S. Patent Application No. 09/394,832.

Applicant submits that all the requirements of 37 C.F.R. § 1.78(a)(3) are now satisfied, and the Commissioner is respectfully requested to grant this Petition.

Dated: September 27, 2007

Respectfully submitted,

By _____/FB/

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